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9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA, SOUTHERN DIVISION

11 \*\*\*

12 TAYVION POSEY;

13 Plaintiff,

14 vs.

15 LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT (SOUTH CENTRAL AREA  
16 COMMAND),

17 Defendants.

CASE NO. 2:23-cv-1936-GMN-BNW

**DISCOVERY PLAN AND  
SCHEDULING ORDER**

18  
19 Plaintiff and Defendant, by and through their counsel of record, hereby submit this  
20 Discovery Plan and Scheduling Order:

21 On November 27, 2023 Defendant filed its Motion to Dismiss.

22 1. **Meeting**. Pursuant to FRCP 26(f) and LR 26-1(a), the parties held a teleconference  
23 meeting concerning the Scheduling Order that took place on December 20, 2023, at 11:30 am.  
24 During the meeting, the parties agreed to stay signing this agreement until Counsel for Defendant  
25 presented Defendant with Plaintiff's settlement demand. Said settlement demand was presented to  
26 Defendant on December 20, 2023, and Plaintiff was advised of the decision on December 21,  
27 2023, pursuant to Defendant's denial of Plaintiff's settlement demand, Plaintiff refused to agree to  
28 Defendant's proposed Discovery Plan and Scheduling Order and thus, Defendants submit the

following proposed Discovery Plan and Scheduling Order, individually.

2. **Pre-Discovery Disclosures.** The parties will submit their documents in a timely manner.

3. **Discovery Plan.** The parties jointly propose to the Court the following discovery plan:

(a) **Subject of Discovery.** Discovery will be needed on the following subjects:

Discovery will be needed on all of the claim and defenses in this matter and all matters within the scope of Rule 26 of the Federal Rules of Civil Procedure.

(b) **Initial Disclosures:** The parties agree that their initial disclosures as required by FRCP 26(a)(1) will be served within fourteen (14) days of their Rule 26 Conference – *January 10, 2024*.

(c) **Discovery Cut-Off Date(s).** Discovery will take 183 days, measured from, November 27, 2023. All discovery must be commenced in time to be completed by *Tuesday, May 28, 2024*.

(d) **FRCP 26(a)(2) Disclosures (Experts).** Disclosure of experts shall proceed as follows: Plaintiff and Defendants shall disclose their experts to each other at least sixty (60) days before the discovery cut-off date, by *Friday, March 29, 2024*, which is 60 days before discovery cut-off. Plaintiff and Defendants shall disclose their rebuttal experts at least thirty (30) days after the initial date for disclosure of experts by *Monday, April 29, 2024*, which is thirty-one (31) days after the initial expert disclosure. Further each party agrees to make their experts available for deposition, and facilitate same, prior to discovery cut-off.

(e) **Alternative Dispute Resolution and Case Disposition.** Pursuant to LR 26-1(b)(8) and FRCP 73, the parties discussed trial by a magistrate judge and the possibility of alternative dispute resolutions and the Short Trial

Program; the Plaintiff and the Defendant do not agree that any of the foregoing are appropriate for this case.

- (f) FRCP 26-1(b)(9) – Electronic Evidence. The parties certify that they have discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberation. Although not known at this time which exhibits will be electronically presented, the parties stipulate that they will provide discovery in an electronic format compatible with the Court’s electronic jury evidence display system. The parties stipulate that they will contact the courtroom administrator for instructions about how to prepare evidence in an electronic format and other requirements for the Court’s electronic jury evidence system.

4. Other Items.

- (a) Interrogatories and depositions. The parties agree to the customary total number of interrogatories of 25 per party; the parties may agree to more interrogatories by mutual agreement or application to the Court. The parties also agree to no more than ten (10) depositions by Plaintiff and no more than ten (10) depositions by Defendants as provided in Rule 30(a)(2)(A)(i). However, the parties may agree to more depositions by mutual agreement or application to Court.
- (b) Amending the Pleadings and Adding Parties. The parties have until *Wednesday, February 28, 2024*, to file any motions to amend the pleadings or to add parties. This is ninety (90) days prior to the discovery cut-off date.
- (c) Settlement. The parties agree to confer prior to expert depositions to discuss settlement options regarding any and all parties, including any new parties.
- (d) Court Conference. The parties do not request a conference with the Court before entry of the scheduling order.

- 1 (e) Later Appearing Parties. A copy of this discovery plan and scheduling  
 2 order shall be served on any person served after it is entered, or, if  
 3 additional defendants should appear, within five (5) days of their first  
 4 appearance. This discovery plan and scheduling order shall apply to such  
 5 later-appearing parties, unless the Court, on motion and for good cause  
 6 shown, orders otherwise.
- 7 (f) Dispositive Motions. The parties shall have until *Thursday, June 27, 2024*,  
 8 to file dispositive motions. This does not exceed the outside limit of thirty  
 9 (30) days following the discovery cut-off date that LR 26-1(e)(4)  
 10 presumptively sets for filing dispositive motions.
- 11 (g) Pretrial Order. The pretrial order shall be filed by *Friday, July 26, 2024*,  
 12 which is not more than thirty (30) days after the date set for filing  
 13 dispositive motions in the case. This date is suspended if the dispositive  
 14 motions are timely filed. In such a case, the pretrial order shall be filed  
 15 thirty (30) days after the Court files an Order on any dispositive motions.  
 16 The disclosures required by FRCP 26(a)(3) shall be made in the joint  
 17 pretrial order.
- 18 (h) Extension or Modification of the Discovery Plan and Scheduling  
 19 Order. LR 26-4 governs modifications or extension of this discovery  
 20 plan and scheduling order. Any stipulation or motion must be made  
 21 not later than twenty-on (21) days before the subject deadline and  
 22 comply fully with LR 26-4

23 Activity	Date
24 Initial Disclosures	<i>Wednesday, January 10, 2024</i>
25 Amend Pleadings	<i>Wednesday, February 28, 2024</i>
26 Expert Disclosures	<i>Friday, March 29, 2024</i>
27 Rebuttal Expert Disclosures	<i>Monday, April 29, 2024</i>

1	Discovery Cut-Off Date	<i>Tuesday, May 28, 2024</i>
2	Dispositive Motions	<i>Thursday, June 27, 2024</i>
3	Pretrial Order	<i>Friday, July 26, 2024</i>

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5 APPROVED AS TO FORM AND CONTENT.

6 DATED this 21<sup>st</sup> day of December, 2023.

7 LEWIS BRISBOIS BISGAARD & SMITH

8  
9 /s/ E. Matthew Freeman

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15  
16 **ORDER**

17 IT IS SO ORDERED

18 DATED this 4th day of January, 2024.

19  
20   
21 UNITED STATES MAGISTRATE JUDGE